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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,902	02/28/2002	Graham Castree Charters	GB920000092US1	9251

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EXAMINER

MANIWANG, JOSEPH R

ART UNIT PAPER NUMBER

2144

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/683,902

Applicant(s)

CHARTERS ET AL.

Examiner

Joseph R. Maniwang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 102***

2. Claims 1-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Sen et al. (U.S. Pat. No. 6,845,389), hereinafter referred to as Sen.
3. Regarding claims 1, 20, and 39, Sen disclosed a method and system comprising requesting by first one of a resource component and coordinator pair a first indicator indicating a first quality of service supported by a second one of said pair (see column 2, lines 2-5; column 4, lines 48-58); responding by said second one of said pair with said first indicator (see column 6, lines 14-18); receiving by said first one of said pair said first indicator (see column 6, lines 23-25); responsive to said first indicator, determining by said first one of said pair whether said first quality of service is acceptable (see column 6, lines 23-27); responsive to said determining, offering by said first one of said pair to permit one of joining in coordination with said second one of said pair and not joining in coordination with said second of said pair (see column 6, lines 11-13); responsive to said offering by said first one of said pair to permit joining in coordination with said second one of said pair, requesting by said second one of said pair a second indicator indicating a second quality of service acceptable to said first one of said pair (see column 6, lines 19-22); responding by said first one

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of said pair with said second indicator (see column 6, lines 23-27); receiving by said second one of said pair said second indicator (see column 6, lines 23-27); responsive to said second indicator, determining by said second one of said pair to permit joining in coordination with said first one of said pair (see column 6, lines 38-41); and responsive to determining by said second one of said pair to permit joining in coordination with said first one of said pair, determining a quality of service provision for said coordination (see column 6, lines 40-43).

4. Regarding claims 2-12, 18, 21-31, 37, 40-50, and 55, Examiner submits that the first user and second user disclosed by Sen read upon the broadly claimed limitations of comprising a resource component, coordinator, resource manager, resource adapter, database manager, ERP system, transaction manager, and platform-independent program code component as claimed, since the claimed limitations do not disclose any specific functionality further limiting the invention of Applicant.

5. Regarding claims 13 and 32, Sen disclosed performing the communication session setup when a first user logs onto a server (see column 2, lines 46-52; column 3, lines 47-49).

6. Regarding claims 14, 33, and 51, Sen disclosed the server sending a request to the first user to initiate requesting of an QoS indicator as claimed (see column 4, lines 20-26).

7. Regarding claims 15, 34, and 52, Sen disclosed completing QoS provisioning for a communication session (see column 2, lines 42-45), thus disclosing commit phase support as claimed.

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8. Regarding claims 16, 35, and 53, Sen disclosed QoS provisioning to include a request phase and an acknowledgement phase (see column 2, lines 2-18), thus disclosing two-phase commit support as claimed.
9. Regarding claims 17, 36, and 54, Sen disclosed providing QoS guarantees to maintain data integrity in various situations, thus providing recovery support as claimed (see column 7, lines 6-50).
10. Regarding claims 19, 38, and 56, Sen disclosed negotiation of QoS provisions as claimed (see column 6, lines 23-43).

### ***Response to Arguments***

11. Applicant's arguments filed 06/30/05 have been fully considered but they are not persuasive.
12. Regarding claims 2-12, 15-18, 21-31, and 34-37 previously objected to, Examiner acknowledges Applicant's amendment of the claims in overcoming the objections. The objections have been withdrawn.
13. Regarding claims 2-12, 18, 21-31, 37, 40-50, and 55 previously rejected under 35 U.S.C. 112(2), Applicant's arguments have been considered. The rejections have been withdrawn.
14. Regarding claims 1-56 rejected under 35 U.S.C. 102(e) as being unpatentable over Sen et al. (U.S. Pat. No. 6,845,389), Applicant asserts that the reference does not teach "responsive to said offering by said first one of said pair to permit joining in coordination with said second one of said second pair, requesting by second one of said pair a second indicator indicating a second

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quality of service acceptable to said first one of said pair" and "responding by said first one of said pair with said second indicator" as claimed. Applicant asserts that in Sen, the first user offers the second user quality of service information without receiving a query from the second user requesting quality of service information. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., querying a user for specific quality of service information) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Examiner submits that the claim limitations broadly recite transmitting a quality of service "indicator" in response to a request made by one of the users, which require nothing more than a response message containing an indication of quality of service supported by the responding user. Sen reads upon this broad concept, as it was disclosed that in response to the first user's participation request message, the second user in response transmitted a negotiating message with quality of service requirements (i.e., a quality of service indicator). Such a negotiating message from the second user further served to invoke a quality of service enabling mechanism (i.e., requested a quality of service indicator), allowing the first user to respond with its own quality of service data (i.e., indicator) as claimed (see column 6, lines 13-25). Thus, Sen reads upon the broadly claimed limitations presented by Applicant.

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15. Regarding claims 1-56 previously rejected under 35 U.S.C. 102(e) as being unpatentable over Huang et al. (U.S. Pat. No. asdf), Applicant's arguments have been considered. The rejections have been withdrawn.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The

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fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MARC D. THOMPSON  
MARC THOMPSON  
PRIMARY EXAMINER

JM